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SUBJECT: PANAMA ATTORNEY GENERAL CONFRONTS PRISON ABUSE

REF: PANAMA 2004 HUMAN RIGHTS REPORT

SUMMARY

1. (U) Panama's Attorney General made an unscheduled visit to La Joya Maximum Security Prison following newspaper reports detailing prisoner abuse by guards in the crowded facility. After her visit, the AG told reporters she had found evidence of human rights violations and that the police custodians responsible for the beatings would be punished. Throughout 2005 the Panamanian press carried frequent stories on poor treatment of inmates. The most recent stories, showing photographs of prisoners allegedly beaten by guards, may finally force the Government of Panama (GOP) to do something to fix their dysfunctional prison system. Embassy has received no reports of abuse directed against the three American prisoners at La Joya and will continue to monitor the situation. End summary.

2. (U) Panama's Attorney General Ana Matilde Gomez, accompanied by representatives from the Ombudsman's Human Rights Office, made an unannounced visit to La Joya prison last Friday in response to abuse complaints from 23 prisoners. Gomez's visit came after a series of newspaper articles detailed alleged abuse of prisoners by guards at La Joya. The articles included photographs of prisoners with bruises and black and blue marks on their bodies that allegedly resulted from beatings by guards. The prisoner's complaints allege that a group of guards entered a cell block at 1:20 a.m. and beat prisoners with night sticks and rifle butts. Following her visit to La Joya, Gomez told reporters she had found evidence of human rights violations against the prisoners and on Tuesday announced that members of the Panamanian National Police (PNP) will be charged with human rights violations. Panama's prison system (see reftel) suffers from overcrowding, poor health and sanitary conditions, a shortage of professional prison guards, and a lack of educational and rehabilitative programs for inmates.

Bad Press for Prisons in 2005

3. (SBU) Throughout 2005 Panama's prison system received negative newspaper coverage. In April 2005, police used tear gas to quell a riot at La Joya Maximum Security Prison. The water system at La Joya and the adjoining La Joyita prison suffered repeated breakdowns and provided water for only two hours per day. Several prisoners at La Joya became ill with tuberculosis. All these events were openly reported by the media. The complaints of a prisoner rights organization (Fundacion de Apoyo al Detendido) about prison conditions also received extensive coverage. During the preparation of the 2005 Human Rights report (HRR), EmbOffs interviewed the Director of Prisons, the Police Internal Affairs, and the Ombudsman all of whom spoke openly about the problems in the prison system citing low budgets and lack of training for guards as contributing to the problems. Although the European Union provides one million Euros a year for prison improvements, the jail system is close to collapse.

Prison Guards Lack Training

4. (SBU) Director of Penitentiaries (DGSP), Doctor Jose Calderon (protect) told EmbOffs that his organization has only 440 custodians to provide security at Panama's seven principal prisons. The DGSP is forced to rely on 1,500 Panamanian National Police (PNP) to provide security in and around prisons. Many of the PNP are untrained to perform this job and some simply do not like guarding prisoners. Calderon told EmbOffs that this contributes to problems and tensions within the prison system. Calderon, a psychiatrist, appears to sincerely want to reform the prison system but has a daunting and perhaps impossible task. His goal is to hire 1000 additional civilian prison guards in the next five years to reduce the prison's reliance on the PNP and to create a professional prison guard cadre. Calderon and Ombudsman Juan Antonio Tejada (protect) also told EmbOffs that gay inmates

are sometimes harassed by guards and prisoners.
Lengthy Pretrial Detention

15. (SBU) Pretrial detention causes most of the prison overcrowding. Approximately 63% of the prisoners held in Panamanian jails are awaiting trial and have not received their sentences. The time from arrest to trial and sentencing takes on average two years. Pretrial detention in excess of the maximum sentence for the alleged crime is not uncommon. Although it is possible to pay bail and remain free while awaiting trial, the process is complicated and excludes certain types of crimes. If they are eligible to receive bail, many detainees and their families simply do not have the money to pay for it.

Americans Well Treated

16. (SBU) The 22 American prisoners in Panama, mostly arrested for drug trafficking, find the prison conditions harsh but generally are well treated by prison officials. The Americans are the second largest group of foreign prisoners in Panama, exceeded in size only by the Colombians. Poor food, lack of sanitation, boredom, and Panama's tropical heat are their main complaints. A treaty with the U.S. allows some of the Americans to complete their sentences in U.S. prisons. Last year two Americans awaiting trial with health problems were granted release but must remain in Panama until their cases are finalized. Three Americans are currently in Panama's most comfortable prison, Renacer. Renacer, situated in the jungle alongside the Panama Canal, allows most prisoners to spend the entire day outside. Most prisoners, however, will remain in one of Panama's harsher jails that offer few opportunities for work or education but do offer frequent visits by family members and for some lucky prisoners even a short visit home at Christmas.

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The majority of the prison problems in Panama result from overcrowding and underfunding. Pretrial detention accounts for 63% of the prisoner population and a ramshackle judicial system fuels the overcrowding. Underfunding places prisoners in crumbling jail structures that are unhealthy for both the guards' and the inmates' physical and mental health. Finally, tight budgets provide little training for prison guards who have a job that is physically and psychologically demanding. Anyone who has ever visited a Panamanian prison can only hope that Attorney General Gomez and Prison Director Calderon can begin the process of reforming the prison system. End comment.

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